

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RITA J. GARCIA,

Plaintiff,

v.

No. CIV 04-827 WJ/DJS

LUNA COMMUNITY COLLEGE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER DENYING
PLAINTIFF’S MOTION FOR JUDICIAL NOTICE

THIS MATTER comes before the Court pursuant to Plaintiff’s Motion for Judicial Notice Pursuant to Rule 201, Rules of Evidence [Docket No. 63]. Having considered the submissions of the parties and being fully advised on the relevant law, I find the motion is not well taken and will be denied accordingly.

Plaintiff’s motion asks this Court to take judicial notice of the “fact” that:

all state public office positions within the Defendants Luna Community College et al are and were vacant during times material to the case as captioned; no duties could lawfully be performed by vacant offices; all actions taken during times relevant were outside the scope of normal assigned duties had the offices not been vacant; Garcia’s Complaint is validated beyond dispute.

See Docket No. 63 ¶ 1.

The “fact” of which Plaintiff would like the Court to take judicial notice is a conclusion she reaches by inference based on her interpretation of several New Mexico statutes. Under Fed. R. Evid. 201(b), the Court may take judicial notice of facts not subject to reasonable dispute in that they are either (1) generally known within the territorial jurisdiction of the trial court or (2)

capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Under this rule, a Court may take judicial notice of such things as the word for word contents of a statute. However, Rule 201 does not permit the Court to take judicial notice of facts inferred from interpretation. Both Plaintiff's interpretations of the statutes she cites and the inferences she draws from those interpretations are not properly within the purview of Rule 201. Accordingly, Plaintiff's Motion will be denied.

CONCLUSION

IT IS THEREFORE ORDERED that Plaintiff's Motion for Judicial Notice Pursuant to Rule 201, Rules of Evidence [Docket No. 63] is hereby DENIED.


UNITED STATES DISTRICT JUDGE